

# SENATE BILL No. 131

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-21.

**Synopsis:** Use of mobile telephone while driving. Makes it a Class B infraction with a fine of \$1,000 to operate a motor vehicle and simultaneously use a mobile telephone except in an emergency situation. Authorizes a person who views an operator of a motor vehicle simultaneously using a mobile telephone and driving on certain highways to report the incident to the state police or sheriff. Requires the state police or sheriff to issue a notice to the registered owner of the motor vehicle stating that an offense has been observed.

**Effective:** July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 131

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2004]: **Sec. 30.7. "Commercial mobile radio service", for**  
4 **purposes of IC 9-21-21-3, has the meaning set forth in**  
5 **IC 36-8-16.5-5.**

6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2004]: **Sec. 49.7. "Emergency situation", for purposes of**  
9 **IC 9-21-21-4, has the meaning set forth in IC 9-21-21-4(d).**

10 SECTION 3. IC 9-13-2-103.3 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2004]: **Sec. 103.3. "Mobile telephone", for**  
13 **purposes of IC 9-21-21, has the meaning set forth in IC 9-21-21-1.**

14 SECTION 4. IC 9-13-2-124 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 124. (a) "Person"  
16 means, except as otherwise provided in this section, an individual, a  
17 firm, a partnership, an association, a fiduciary, an executor or

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1 administrator, a governmental entity, a limited liability company, or a  
2 corporation.

3 (b) "Person", for purposes of IC 9-14-3.5, does not include the state  
4 or an agency of the state.

5 (c) "Person", for purposes of IC 9-20-14, IC 9-20-15, and  
6 IC 9-20-18-13(b), means a mobile home or sectionalized building  
7 transport company, mobile home or sectionalized building  
8 manufacturer, mobile home or sectionalized building dealer, or mobile  
9 home or sectionalized building owner.

10 (d) "Person", for purposes of **IC 9-21-21, means an individual.**

11 (e) **"Person" for purposes of** IC 9-23, means an individual, a  
12 corporation, a limited liability company, an association, a partnership,  
13 a trust, or other entity. The term does not include the state, an agency  
14 of the state, or a municipal corporation.

15 SECTION 5. IC 9-13-2-195.1 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2004]: **Sec. 195.1. "Use", for purposes of**  
18 **IC 9-21-21, has the meaning set forth in IC 9-21-21-2.**

19 SECTION 6. IC 9-13-2-199.1 IS ADDED TO THE INDIANA  
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2004]: **Sec. 199.1. "Wireless telephone**  
22 **service", for purposes of IC 9-21-21, has the meaning set forth in**  
23 **IC 9-21-21-3.**

24 SECTION 7. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS  
25 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
26 1, 2004]:

27 **Chapter 21. Use of Mobile Telephones**

28 **Sec. 1. As used in this chapter, "mobile telephone" means a**  
29 **device used by subscribers of a wireless telephone service to access**  
30 **the service.**

31 **Sec. 2. As used in this chapter, "use" means using a mobile**  
32 **telephone to place or receive a call.**

33 **Sec. 3. As used in this chapter, "wireless telephone service"**  
34 **means two-way real time voice telecommunications service that is**  
35 **interconnected to a public switched telephone network and is**  
36 **provided by a commercial mobile radio service.**

37 **Sec. 4. (a) An individual who operates a motor vehicle and**  
38 **simultaneously uses a mobile telephone commits a Class B**  
39 **infraction.**

40 **(b) Notwithstanding IC 34-28-5-4(b), a judgment of one**  
41 **thousand dollars (\$1,000) shall be entered for a violation of**  
42 **subsection (a).**

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(c) Subsection (a) does not apply to an operator of:

- (1) an authorized emergency vehicle;
- (2) a medical services vehicle;
- (3) a privately owned vehicle when:
  - (A) the operator or a passenger in the vehicle is a volunteer firefighter en route to the scene of a fire or other emergency in the line of duty; and
  - (B) a blue light is displayed on the vehicle under IC 36-8-12-11; or
- (4) a privately owned vehicle when:
  - (A) the operator or a passenger in the vehicle is a certified emergency medical technician, a certified emergency medical service driver, or a certified emergency medical service first responder en route to the scene of emergency medical service activities in the line of duty; and
  - (B) a green light is displayed on the vehicle under IC 9-19-14.5-1.

(d) Subsection (a) does not apply if the mobile telephone is used in an emergency situation to:

- (1) transmit an emergency call (as defined in IC 35-45-2-3(c));
- (2) contact a health care provider (as defined in IC 16-18-2-163);
- (3) contact a police and law enforcement system established under IC 36-8-2-2; or
- (4) contact a firefighting and fire prevention system established under IC 36-8-2-3.

As used in this subsection, "emergency situation" means a threat to the safety or security of persons or property.

Sec. 5. (a) A person who views a violation of section 4 of this chapter on an interstate highway or a state highway when the operator of the vehicle has not been stopped or issued a traffic information and summons by a law enforcement officer may report the violation to the state police department or the sheriff's department in the county in which the use occurred in the following manner:

- (1) The report must include pertinent information regarding the motor vehicle, including the license plate number and color and line make of the motor vehicle.
- (2) The report must be made to:
  - (A) the state police post with jurisdiction; or
  - (B) the sheriff's department;
 in the county in which the use occurred.

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1       (b) The name and address of the person making the report in  
2 subsection (a) is confidential.

3       (c) Upon receipt of the report in subsection (a), the state police  
4 department or the county sheriff's department shall issue a notice  
5 to the registered owner of the vehicle stating:

6           (1) the particulars of the violation;

7           (2) that the offense of operating a motor vehicle while using a  
8 mobile telephone has been observed; and

9           (3) that the offense is a Class B infraction for which the fine is  
10 one thousand dollars (\$1,000).

11       (d) A court may not enter a judgment for a violation of section  
12 4 of this chapter based solely on a report made under this section.

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